



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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Washington, DC 20231

08/78 2,290

APPLICATION NO. 08/782,290	FILING DATE 01/13/97	FIRST NAMED INVENTOR ROSE	ATTORNEY DOCKET NO. 43724
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18M1/1121

JOHN Q. MCQUILLAN
261 MADISON AVENUE
12TH FLOOR
NEW YORK NY 10016-2391

EXAMINER LINCAR, S

ART. UNIT 1806	PAPER NUMBER
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1806
DATE MAILED: 11/21/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

The communication, Paper No. 5 filed on September 29, 1997 is non-responsive to the prior Office action because the issue of election of a species in Section 36, Paper No. 2 was not addressed in Paper No. 5. Although the claim was amended from a markush group that included at least one of indoxyl-penicillin, indoxyl-cephalosporin, indoxyl-glycosides and the like, to a markush group that includes moieties selected from the group consisting of indoxyl-lactam, indoxyl-glycosides and the like, it is clear that the indoxyl-lactam group includes both the indoxyl-penicillin and the indoxyl-cephalosporin previously claimed and it is equally clear that the claim still recites a markush group that is essentially the same as the original markush group in that both the original and the newly amended claim recite moieties that are either indoxyl lactam or indoxyl glycosides and thus in order for the response to be complete, election of either the indoxyl-lactam group or the indoxyl glycoside group is required. Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or within the time remaining in the response period of the last Office action, whichever is the longer. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION MAY BE EXTENDED UP TO A MAXIMUM OF SIX MONTHS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (703) 305-2181. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lila Feisee, can be reached at (703) 308-2731. The fax phone number for this Art Unit is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Susan Ungar, 1806


**LILA FEISEE
SUPERVISORY PATENT EXAMINER
GROUP 1800**



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Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

08/782,590

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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1642

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

In response to applicant's telephone call of March 2, 1998 (see Interview Summary) regarding the last Office action, the following corrective action is taken.


THE PERIOD FOR RESPONSE OF three MONTHS SET IN SAID OFFICE ACTION IS RESTARTED TO BEGIN WITH THE DATE OF THIS LETTER.

Copies of the following references are enclosed:

WO 91/09134

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (703) 305-2181. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lila Feisee, can be reached at (703) 308-2731. The fax phone number for this Art Unit is (703) 308-4242. Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature may be used by the applicant and should be addressed to lila.feisee@uspto.gov. All internet e-mail communications will be made of record in the application file. **PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of USC 122.** This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Susan Ungar
1642


LILA FEISEE
SUPERVISORY PATENT EXAMINER